

Applicant : B. Jack Longley
Serial No. : 09/474,478
Filed : December 29, 1999
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REMARKS

Claims 1-9, 12-19, 23-26, 28-31, 33, 34, and 39-49 are pending and under examination. No claim has been added, canceled, or amended herein. Accordingly, claims 1-9, 12-19, 23-26, 28-31, 33, 34, and 39-49 are still pending and under examination.

Formalities

The Examiner requested that applicant state how this CIP application differs from the parent application. The Examiner's request is due to the fact that the Examiner is not in possession of the parent application. Given the open-ended nature of the Examiner's request, applicant is willing to provide a copy of the parent application to the Examiner should the Examiner so request.

Rejection Under 35 U.S.C. §103(a)

The Examiner rejected claims 1-9, 12-19, 23-26, 28-31, 33, 34, and 39-49 under 35 U.S.C. §103(a) as allegedly unpatentable over Columbo in view of Mohammadi.

In response, applicant respectfully traverses the Examiner's rejection. In support of this traversal, applicant herein incorporates by reference the arguments in applicant's August 14, 2001 Amendment In Response To February 16, 2001 Office Action. Applicant also sets forth the following remarks to underscore his position.

The pending claims provide *in vivo* methods of preventing or treating certain disorders in a subject by administering to the subject an effective amount of a compound capable of inhibiting

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the stem cell signaling pathway. These disorders include contact dermatitis, hyperpigmentaion, asthma, cutaneous inflammation, anaphylaxis, bronchospasm, mastocytosis, urticaria, hypersensitivity reactions, and tumors which express the activated KIT protein.

Applicant stresses that the combination of Columbo and Mohammadi would not have supported a reasonable expectation of success of the claimed methods by one of ordinary skill at the time of invention. That is, Columbo and Mohammadi teach only *in vitro* data. The Examiner has not met his burden of establishing how these data render the claimed *in vivo* methods obvious, rather than merely inviting experimentation.

In view of the above remarks, applicant maintains that claims 1-9, 12-19, 23-26, 28-31, 33, 34, and 39-49 satisfy the requirements of 35 U.S.C. §103(a).

Rejection Under 35 U.S.C. §112, First Paragraph

The Examiner rejected claims 1-9, 12-19, 23-26, 28-31, 33, 34, and 39-49 under 35 U.S.C. §112, first paragraph, as allegedly containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Specifically, the Examiner requested that applicant point out where in the specification a method of preventing or treating "cutaneous inflammation" may be found.

In response to the Examiner's rejection of claims 1-3 and 5-9, applicant respectfully traverses. Applicant points out that none of these claims recites the phrase "cutaneous inflammation."

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In response to the Examiner's rejection of claims 4, 12-19, 23-26, 28-31, 33, 34, and 39-49, applicant also traverses. Specifically, support for the methods of preventing or treating "cutaneous inflammation" provided by claim 4, and claims 12-19, 23-26, 28-31, 33, 34, and 39-49, is found at numerous places in the specification. Such support is set forth on page 10 of applicant's August 14, 2001 Amendment incorporated herein by reference. Support is also found at page 9, lines 15-27, of the specification which shows, in relevant part, the reduction of ear swelling by ACK2 monoclonal antibody.

In view of the above remarks, applicant maintains that claims 1-9, 12-19, 23-26, 28-31, 33, 34, and 39-49 satisfy the requirements of 35 U.S.C. §112, first paragraph.

Summary

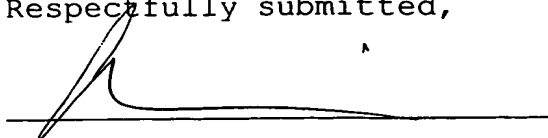
For the reasons set forth hereinabove, applicant respectfully requests that the Examiner reconsider and withdraw the various grounds of rejection and earnestly solicits allowance of the pending claims.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicant's undersigned attorneys invite the Examiner to telephone them at the number provided below.

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No fee, other than the enclosed \$460.00 fee for the three-month extension of time, is deemed necessary in connection with the filing of this Communication. However, if any additional fee is required, authorization is hereby given to charge the amount of such fee to Deposit Account No. 03-3125.

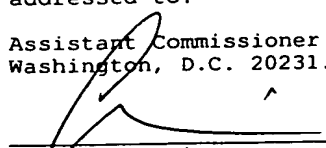
Respectfully submitted,



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I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:

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Washington, D.C. 20231.


Alan J. Morrison
Reg. No. 37,399

3/19/02
Date